

**HOUSE JOURNAL
63RD LEGISLATURE
SEVENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 12, 2013

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative MacDonald. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Schwaderer, excused. Quorum present.

BILLS (O'Hara, Chair):

4/12/2013

Correctly printed: **HJR 24, HJR 28, HJR 29, HJR 30, SB 28, SB 240, SB 342, SB 386, SJR 21.**

Correctly engrossed: **SB 96, SB 143, SB 173, SB 178, SB 201, SB 265, SB 387, SB 392.**

Correctly enrolled: **HB 79, HB 118, HB 145, HB 157, HB 259, HB 310, HB 544, HJR 16, HJR 17.**

Examined by the sponsor and found to be correct: **HB 79, HB 118, HB 145, HB 157, HB 310, HB 391, HB 392, HB 544, HB 564, HJR 16, HJR 17.**

Transmitted to the Senate: **HJR 21, SB 114, SB 138, SB 162, SB 196.**

Signed by the Speaker at 4:15 p.m., April 12, 2013: **HB 79, HB 145, HB 157, HB 310, HB 391, HB 392, HB 544, HB 564, HJR 17.**

Signed by the Chief Clerk of the House at 5:00 p.m., April 12, 2013: **HB 79, HB 145, HB 157, HB 310, HB 391, HB 392, HB 544, HB 564, HJR 17.**

Signed by the President at 5:20 p.m., April 11, 2013: **HB 122, HB 336.**

Signed by the President at 10:15 a.m., April 12, 2013: **HB 37, HB 162, HB 250, HB 396, HB 410.**

Signed by the President at 10:20 a.m., April 12, 2013: **HB 9, HB 24, HB 78, HB 95, HB 104, HB 203, HB 299, HB 344, HB 448, HB 461, HB 485, HB 522, HB 546, HB 552, HB 554, HJR 14.**

Delivered to the Governor for approval at 4:06 p.m., April 12, 2013: **HB 9, HB 23, HB 24, HB 30, HB 37, HB 71, HB 78, HB 95, HB 104, HB 122, HB 146, HB 162, HB 187, HB 189, HB 195, HB 203, HB 250, HB 256, HB 274, HB 299, HB 336, HB 344, HB 352, HB 396, HB 410, HB 446, HB 448, HB 459, HB 461, HB 485, HB 508, HB 513, HB 522, HB 546, HB 510, HB 552, HB 554.**

Delivered to the Secretary of State at 2:50 p.m., April 12, 2013: **HJR 14.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Randall, Chair):

4/11/2013

SB 143, be amended as follows:

1. Page 15, line 4.

Following: line 3

Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.** If both House Bill No. 396 and [this act] are passed and approved, then House Bill No. 396 is void."

And, as amended, be concurred in. Report adopted.

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APPROPRIATIONS (Ankney, Chair):
SB 265, be amended as follows:

4/12/2013

1. Title, page 1, line 5.

Following: "RIGHTS;"

Insert: "REQUIRING AN INTERIM STUDY; PROVIDING AN APPROPRIATION;"

2. Page 1, line 9.

Following: line 8

Insert: "NEW SECTION. **Section 1. Interim study.** (1) The water policy interim committee, provided for in 5-5-231, shall conduct a study of issues related to the February 26, 2013, water rights settlement between the Confederated Salish and Kootenai tribes, the state, and the United States. The review must include but is not limited to an analysis of water rights claimed by the tribes.

(2) The committee may request research and legal analysis from staff of the legislative services division, the department of natural resources and conservation, and any other individual or entity.

(3) The committee shall solicit information from the Confederated Salish and Kootenai tribes, the state, the United States, the Flathead joint board of control, existing water right owners, and other stakeholders.

(4) The committee shall meet at least once in Flathead County, Lake County, Lincoln County, and Sanders County. The committee may hold other meetings outside of Helena.

(5) The committee may provide recommendations to the reserved water rights compact commission.

(6) The committee shall prepare a report to submit to the 64th legislature and provide a recommendation on the adoption of the compact and the continued suspension of water rights adjudication.

(7) The committee may propose necessary legislation to implement a water rights settlement between the Confederated Salish and Kootenai tribes, the state, and the United States.

(8) All aspects of the study, including presentation and review requirements, must be concluded prior to September 15, 2014."

Renumber: subsequent sections

3. Page 2, line 13.

Following: line 12

Insert: "NEW SECTION. **Section 4. Appropriation.** There is appropriated \$40,000 from the general fund for the biennium beginning July 1, 2013, to the legislative branch for the purposes described in [section 1]."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

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BUSINESS AND LABOR (Berry, Chair):
SB 173, be amended as follows:

4/12/2013

1. Title, page 1, line 6.

Following: "LAWS;"

Insert: "REQUIRING REPORTING BY THE STATE FUND PRIOR TO IMPLEMENTING PAY ADJUSTMENTS;"

Following: "USE"

Insert: "A ONE-TIME GENERAL FUND TRANSFER AND INCOME ON THAT TRANSFER PRIOR TO USING"

2. Title, page 1, line 8.

Strike: "1990"

Insert: "2013"

3. Title, page 1, line 12.

Strike: "ELIMINATING"

Insert: "PROVIDING"

4. Title, page 1, line 13.

Following: the first "A"

Insert: "ONE-TIME"

5. Title, page 1, line 15.

Strike: line 15

6. Title, page 1, line 17.

Strike: "IMMEDIATE"

7. Page 3, line 2.

Following: line 1

Insert: "(3) The state fund may not approve or implement any pay adjustments, including bonuses or merit pay, to any employee or member of executive management until the state fund reports to the office of budget and program planning and to the legislative finance committee in a public hearing, which includes public comment, the following information:

(a) the financial performance and the accomplishment of the goals set in the most recent business plan adopted pursuant to 39-71-2315;

(b) the actuarial soundness of the funds for injuries and occupational diseases occurring both prior to and on or after July 1, 1990;

(c) any dividends disbursed in the current or previous fiscal year pursuant to 39-71-2323;

(d) an analysis of the proportional fairness and equity regarding pay adjustments in comparison to the compensation to other state employees, changes in the premiums paid by employers and premiums in comparison to the other workers' compensation plans, and any changes in the benefits received by injured workers;

(e) the attainment of the 2.5-to-1.0 reserve-to-equity ratio; and

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(f) the impact of the bonuses on pension determination for state fund employees or executive management."

8. Page 3, line 8.

Strike: "The"

Insert: "Subject to 39-71-2352, the"

9. Page 3, line 10.

Following: "other"

Insert: "other"

Strike: "other than as specified in this section"

10. Page 3, line 12.

Strike: "and subsection (3)"

11. Page 3, line 14 through line 17.

Strike: subsection (3) in its entirety

12. Page 4, line 16.

Following: "1990."

Insert: "(b)"

13. Page 4, line 17.

Following: "1990,"

Insert: "and prior to July 1, 2013,"

14. Page 4, line 18.

Following: "1990."

Insert: "(c) Premiums paid to the state fund based upon wages payable on or after July 1, 2013, may be used to administer and pay claims for injuries resulting from accidents or occupational diseases that occur either before July 1, 1990, or after July 1, 1990, subject to depletion of the 2013 general fund transfer and income on that transfer."

Renumber: subsequent subsections

15. Page 4, line 19.

Strike: "As provided in subsection (4),"

Insert: "After expending the one-time transfer from the general fund and any income from that transfer to administer and pay claims for injuries resulting from accidents or occupational diseases that occurred before July 1, 1990,"

16. Page 4, line 20.

Strike: "1990"

Insert: "2013"

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17. Page 5, line 3.

Following: "FROM"

Strike: "THE STATE" through "39-71-2323"

Insert: "the 2013 one-time general fund transfer or income on that transfer unless those amounts are inadequate, in which case the payments must be as provided in subsection (1)(c)"

18. Page 5, lines 11 through 16.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

19. Page 5, line 21 through line 26.

Strike: section 6 in its entirety

Insert: "NEW SECTION. Section 6. General fund transfer. There is a transfer from the general fund of \$43.989 million to the state compensation insurance fund account provided for in 39-71-2321(2)(a)."

20. Page 5, line 28.

Strike: "on passage and approval"

Insert: "July 1, 2013"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Bangerter, Chair):

4/11/2013

SB 386, be concurred in. Report adopted.

NATURAL RESOURCES (Bennett, Chair):

4/10/2013

SB 201, be amended as follows:

1. Page 4, line 3.

Following: line 2

Insert: "COORDINATION SECTION. Section 5. Coordination instruction. If both Senate Bill No. 201 and Senate Bill No. 217 are passed and approved and if both contain a section authorizing the attorney general to intervene in litigation on federal forest management projects, then those sections are void and the new [section 2 of Senate Bill No. 201] must read as follows:

NEW SECTION. Section 2. Federal forest management projects -- attorney general authority to intervene. (1) The attorney general has the authority to intervene in litigation or appeals on federal forest management projects.

(2) The authority provided in subsection (1) includes the authority to fulfill the purposes of Title 76, chapter 13, to intervene in litigation or appeals on federal forest management projects that could affect watershed protection or restoration."

And, as amended, be concurred in. Report adopted.

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STATE ADMINISTRATION (Ingraham, Chair):
HJR 24, do pass. Report adopted.
SB 387, be amended as follows:

4/12/2013

1. Title, page 1, line 11.

Following: "~~LAWS;~~"

Insert: "PROVIDING THAT COUNTY ATTORNEYS MAY PROSECUTE ONLY CRIMINAL VIOLATIONS OF CAMPAIGN PRACTICE LAWS;"

2. Title, page 1, line 13.

Following: "~~COMPLAINTS;~~"

Insert: "CLARIFYING THE STANDING REQUIREMENT FOR THE FILING OF ETHICS COMPLAINTS;"

3. Title, page 1, line 14.

Following: "~~2-2-136;~~"

Insert: "2-2-136,"

4. Title, page 1, line 15.

Following: "~~13-37-113;~~"

Insert: "13-37-113,"

5. Page 2, line 4.

Strike: "selected"

6. Page 2, following line 5.

Insert: "(2) The members appointed under subsections (1)(a) and (1)(b) shall submit the list of three nominees to the governor within 30 days of the members' appointment."

Renumber: subsequent subsections

7. Page 2, line 11.

Strike: "CIVIL OR"

8. Page 4, following line 20.

Insert: "**Section 4.** Section 2-2-136, MCA, is amended to read:

"2-2-136. Enforcement for state officers, legislators, and state employees -- referral of complaint involving county attorney. (1) (a) A person alleging a violation of this part by a state officer, legislator, or state employee may file a complaint with the commissioner of political practices if the person has standing to file the complaint. The commissioner does not have jurisdiction for a complaint concerning a legislator if a legislative act is involved in the complaint. The commissioner also has jurisdiction over complaints against a county attorney that are referred by a local government review panel pursuant to 2-2-144 or filed by a person directly with the commissioner pursuant to 2-2-144(6). The commissioner may request additional information from the complainant or the person who is the subject of the complaint to make an initial determination of whether the complaint states a potential violation of this part.

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(b) The commissioner may dismiss a complaint when the person who filed the complaint has failed to demonstrate standing or may dismiss a complaint that is frivolous, does not state a potential violation of this part, or does not contain sufficient allegations to enable the commissioner to determine whether the complaint states a potential violation of this part. If the issues presented in a complaint have been addressed and decided in a prior decision and the commissioner determines that no additional factual development is necessary, the commissioner may issue a summary decision without holding an informal contested case hearing on the complaint.

(c) Except as provided in subsection (1)(b), if the commissioner determines that the complaint states a potential violation of this part, the commissioner shall hold an informal contested case hearing on the complaint as provided in Title 2, chapter 4, part 6. The commissioner shall issue a decision based upon the record established before the commissioner.

(d) A person has standing to allege a violation when the person:

(i) alleges a past, present, or threatened injury to a property right or a civil right; and

(ii) alleges an injury that is distinguishable from an injury to the public generally, although the injury does not need to be exclusive to the person alleging the injury.

(2) (a) Except as provided in subsection (2)(b), if the commissioner determines that a violation of this part has occurred, the commissioner may impose an administrative penalty of not less than \$50 or more than \$1,000.

(b) If the commissioner determines that a violation of 2-2-121(4)(b) has occurred, the commissioner may impose an administrative penalty of not less than \$500 or more than \$10,000.

(c) If the violation was committed by a state employee, the commissioner may also recommend that the employing state agency discipline the employee. The employing entity of a state employee may take disciplinary action against an employee for a violation of this part, regardless of whether the commissioner makes a recommendation for discipline. The commissioner may assess the costs of the proceeding against the person bringing the charges if the commissioner determines that a violation did not occur or against the officer or employee if the commissioner determines that a violation did occur.

(3) A party may seek judicial review of the commissioner's decision, as provided in chapter 4, part 7, of this title, after a hearing, a dismissal, or a summary decision issued pursuant to subsection (1)(b).

(4) Except for records made public in the course of a hearing held under subsection (1) and records that are open for public inspection pursuant to Montana law, a complaint and records obtained or prepared by the commissioner in connection with an investigation or complaint are confidential documents and are not open for public inspection. The complainant and the person who is the subject of the complaint shall maintain the confidentiality of the complaint and any related documents released to the parties by the commissioner until the commissioner issues a decision. However, the person who is the subject of a complaint may waive, in writing, the right of confidentiality provided in this subsection. If a waiver is filed with the commissioner, the complaint and any related documents must be open for public inspection. The commissioner's decision issued after a hearing is a public record open to inspection.

(5) When a complaint is filed, the commissioner may issue statements or respond to inquiries to confirm that a complaint has been filed, to identify against whom it has been filed, and to describe the procedural aspects and status of the case.

(6) The commissioner may adopt rules to carry out the responsibilities and duties assigned by this part."

Renumber: subsequent sections

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9. Page 5, line 14.

Strike: "AN"

Insert: "a criminal"

10. Page 5, line 14 through line 15.

Strike: "THE" on line 14 through "OR" on line 15

11. Page 8, line 22.

Following: "by"

Insert: "that the individual has been identifiably and specifically harmed by"

12. Page 10, following line 4.

Insert: "**Section 15.** Section 13-37-113, MCA, is amended to read:

"13-37-113. Hiring of attorneys --prosecutions. The commissioner may hire or retain attorneys who are properly licensed to practice before the supreme court of the state of Montana to prosecute civil violations of Title 13, chapter 35, of this title or this chapter pursuant to [section 3]. ~~Any attorney retained or hired shall exercise the powers of a special attorney general, and the attorney may prosecute, subject to the control and supervision of the commissioner and the provisions of 13-35-240, 13-37-124, and 13-37-125, any criminal or civil action arising out of a violation of any provision of chapter 35 of this title or this chapter. All prosecutions must be brought in the state district court for the county in which a violation has occurred or in the district court for Lewis and Clark County. The authority to prosecute as prescribed by this section includes the authority to:~~

~~—— (1) institute proceedings for the arrest of persons charged with or reasonably suspected of criminal violations of chapter 35 of this title or this chapter;~~

~~—— (2) attend and give advice to a grand jury when cases involving criminal violations of chapter 35 of this title or this chapter are presented;~~

~~—— (3) draw and file indictments, informations, and criminal complaints;~~

~~—— (4) prosecute all actions for the recovery of debts, fines, penalties, or forfeitures accruing to the state or county from persons convicted of violating chapter 35 of this title or this chapter; and~~

~~—— (5) do any other act necessary to successfully prosecute a violation of any provision of chapter 35 of this title or this chapter."~~

ReNUMBER: subsequent sections

13. Page 10, line 25 through line 26.

Strike: "APPROPRIATE" on line 25 through "OR THE" on line 26

14. Page 11, line 2 through line 3.

Strike: "APPROPRIATE" on line 2 through "OR THE" on line 3

15. Page 11, line 10.

Strike: "CIVIL OR"

16. Page 11, line 12.

Strike: "CIVIL OR"

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17. Page 11, line 16 through line 18.

Strike: "IF THE" on line 16 through "LEGAL ACTION." on line 18

18. Page 11, line 22.

Strike: "CIVIL OR"

19. Page 11, line 30 through page 12, line 3.

Strike: subsection (4) in its entirety

And, as amended, be concurred in. Report adopted.

SB 392, be amended as follows:

1. Page 3, following line 23.

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If both Senate Bill No. 387 and [this act] are passed and approved, then 13-35-225(7)(b) of [this act] must read as follows:

"(b) When notifying the candidate or campaign committee under subsection (7)(a), the commissioner shall include a statement that if the candidate or political committee fails to bring the material into compliance as required under this section, the candidate or political committee is subject to an administrative penalty as provided in [section 3 of Senate Bill No. 387]."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

TAXATION (Miller, Chair):

4/12/2013

SB 96, be amended as follows:

1. Title, page 1, line 5.

Following: "TAXPAYER;"

Insert: "INCREASING THE CLASS EIGHT BUSINESS EQUIPMENT TAX EXEMPTION; PROVIDING THAT THE EXEMPTION APPLIES TO CLASS EIGHT PROPERTY THAT EXCEEDS THE EXEMPTION AMOUNT;"

2. Page 1, line 19 through page 3, line 30.

Strike: section 1 in its entirety

Insert: "**Section 1.** Section 15-1-123, MCA, is amended to read:

"**15-1-123. Reimbursement for class eight rate reduction and exemption -- distribution -- appropriations.**(1) For the tax rate reductions in ~~15-6-138~~ 15-6-138(3), the increased exemption amount in 15-6-138(4), ~~and for the effective tax rate reductions on property under 15-6-145 because of the rate reductions required by the amendment~~ amendments of 15-6-138 in section 2, Chapter 411, Laws of 2011, and [section 2 of Senate Bill No. 96], and the effective tax rate reductions on property under 15-6-145 because of the increased exemption amount required by the amendment of 15-6-138 in [section 2 of House Bill No. 96], the department shall, by June 1, 2012, and for each calendar year that the tax rate is adjusted under ~~15-6-138(4)~~

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for the fiscal years ending June 30, 2014, and June 30, 2015, estimate for each local government, as defined in 15-1-121(5), each school district, the county retirement fund under 20-9-501, the countywide school transportation reimbursement under 20-10-146, each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-108; the difference between property tax collections under 15-6-138; as amended by section 2, Chapter 411, Laws of 2011, and [section 2 of Senate Bill No. 96] and under 15-6-145 and the property tax revenue that would have been collected under 15-6-138 and 15-6-145 if 15-6-138 had not been amended by section 2, Chapter 411, Laws of 2011, and [section 2 of Senate Bill No. 96]. The difference is the annual reimbursable amount for each local government, each school district, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-108.

(2) (a) The department shall distribute the ~~reimbursement~~ reimbursements calculated in subsection (1) to local governments with the entitlement share payments under 15-1-121(7) for ~~fiscal year 2012 and for all other~~ the fiscal years in which rate reductions occur year ending June 30, 2015. Local government reimbursements for subsequent years are made pursuant to the entitlement share recomputation as provided in 15-1-121(6).

(b) For ~~fiscal year 2012 and all other~~ the fiscal years in which rate reductions occur year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each local government. By ~~August 1 following each of those fiscal years~~ June 15, 2014, the department shall distribute the amount determined under this subsection (2)(b) for local governments as provided in 15-1-121(6)(a).

(3) (a) The office of public instruction shall distribute the ~~reimbursement~~ reimbursements calculated in subsection (1) to school districts with the block grants pursuant to 20-9-630 for ~~fiscal year 2012 and all other~~ the fiscal years in which rate reductions occur year ending June 30, 2015. School district reimbursements for subsequent fiscal years are made pursuant to 20-9-630.

(b) For ~~fiscal year 2012 and all other~~ the fiscal years in which rate reductions occur year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each school district. By ~~November 30, 2014 following each of those fiscal years~~, the office of public instruction shall distribute the amount determined under this subsection (3)(b) in the same manner as the block grant is distributed by fund under 20-9-630.

(4) (a) For ~~each~~ the fiscal year ending June 30, 2015 beginning after fiscal year 2012 and all other fiscal years in which rate reductions occur, the amount determined under subsection (1) for each tax increment financing district must be added to the reimbursement amount for the tax increment financing district as provided in 15-1-121(8)(b) if the tax increment financing district is still in existence. If a tax increment financing district that is entitled to a reimbursement under this section is not listed under 15-1-121(8)(b), the reimbursement must be made to that tax increment financing district at the same time as other districts.

(b) For ~~fiscal year 2012 and all other~~ the fiscal years in which rate reductions occur year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each tax increment financing district. By ~~August 1 following each of those fiscal years~~ June 15, 2014, the department shall distribute the amount determined under this subsection (4)(b) to each tax increment financing district as provided in 15-1-121(8) and to any other tax increment financing district that is entitled to a reimbursement under this section.

(5) (a) For ~~fiscal year 2012 and all other~~ the fiscal years in which rate reductions occur year

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ending June 30, 2015, the amount determined under subsection (1) for the 6-mill university levy must be added to current collections and reimbursements for the support of the Montana university system as provided in 15-10-108.

(b) For ~~fiscal year 2012 and all other~~ the fiscal years in which rate reductions occur year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for the 6-mill university levy. By ~~August 1 following each of those fiscal years~~ June 15, 2014, the department of administration shall transfer the amount determined under this subsection (5)(b) from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-108.

(c) Beginning in fiscal year 2013, the department of administration shall transfer the amounts determined under this subsection (5) from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-108.

(6) (a) The office of public instruction shall distribute the ~~reimbursement~~ reimbursements calculated in subsection (1) to the countywide retirement fund under 20-9-501 for ~~fiscal year 2012 and all other~~ the fiscal years in which rate reductions occur year ending June 30, 2015. One-half of the amount must be distributed in November and the remainder in May.

(b) For ~~fiscal year 2012 and all other~~ the fiscal years in which rate reductions occur year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By ~~November 30, 2014 following each of those fiscal years~~, the office of public instruction shall distribute the amount determined under this subsection (6)(b) to the countywide retirement fund.

(7) (a) The office of public instruction shall distribute the ~~reimbursement~~ reimbursements calculated in subsection (1) to the county transportation reimbursement under 20-10-146 for ~~fiscal year 2012 and all other~~ the fiscal years in which rate reductions occur year ending June 30, 2015. The reimbursement must be made at the same time as countywide school transportation block grants are distributed under 20-9-632.

(b) For ~~fiscal year 2012 and all other~~ the fiscal years in which rate reductions occur year ending June 30, 2014, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By ~~November 30, 2014 following each of those fiscal years~~, the office of public instruction shall distribute the amount determined under this subsection (7)(b) to the county transportation reimbursement.""

3. Page 5, line 17.

Following: "value"

Insert: "in excess of the exemption amount in subsection (4)"

4. Page 5, line 30 through page 6, line 1.

Strike: subsection (4) in its entirety

Insert: "(4) The first \$250,000 in market value of class eight property of a person or business entity is exempt from taxation."

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5. Page 8.

Following: line 7

Insert: "COORDINATION SECTION. Section 6. Coordination instruction. If both House Bill No. 472 and [this act] are passed and approved, then House Bill No. 472 is void."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

SB 240, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/11/2013

HB 118, introduced by Eck

HB 145, introduced by Harris

HB 391, introduced by G. Bennett

HB 392, introduced by Doane

HB 564, introduced by Edmunds

House joint resolutions concurred in and returned to the House: 4/11/2013

HJR 16, introduced by Eck

HJR 17, introduced by Gibson

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/11/2013

HB 54, introduced by Ingraham

HB 133, introduced by Berry

HB 545, introduced by Reichner

Senate joint resolution passed and transmitted to the House for concurrence: 4/11/2013

SJR 23, introduced by Tutvedt

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 28, introduced by Neill, referred to Agriculture.

HJR 29, introduced by Gursky, Arntzen, Laszloffy, referred to Judiciary.

HJR 30, introduced by Hansen, referred to Taxation.

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The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 23, introduced by Tutvedt, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Vance moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McClafferty in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 61 - Senate Amendments - Representative Lynch moved Senate amendments to **HB 61** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Bennett, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Ehli, Gursky, Hagan, Hagstrom, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, O'Hara, O'Neil, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Vance, Warburton, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods.

Total 62

Nays: Ballance, J. Bennett, Berry, Blyton, Brodehl, Cuffe, Doane, Edmunds, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Halvorson, Hansen, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, Osmundson, Randall, Redfield, Regier, C. Smith, Wagoner, White, Zolnikov, Mr. Speaker.

Total 38

Voted Absentee: Schwaderer, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 120 - Senate Amendments - Representative Ingraham moved Senate amendments to **HB 120** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck,

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Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted Absentee: Schwaderer, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 147 - Senate Amendments - Representative Redfield moved Senate amendments to **HB 147** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Coffin, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McClafferty, McNally, McNiven, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.
Total 63

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Court, Curtis, Dudik, Eck, Fitzpatrick, Gursky, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.
Total 37

Voted Absentee: Schwaderer, Aye.

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

HB 171 - Senate Amendments - Representative C. Smith moved Senate amendments to **HB 171** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Connell, Cook, Cuffe, Curtis, Doane, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pierson, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Zolnikov, Mr. Speaker.

Total 88

Nays: B. Bennett, Coffin, Court, Dudik, MacDonald, Miller, Pease-Lopez, Peppers, Pomnichowski, Wilmer, Wilson, Woods.

Total 12

Voted Absentee: Schwaderer, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 233 - Senate Amendments - Representative Lavin moved Senate amendments to **HB 233** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 96

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Nays: J. Bennett, Kerns, Miller, Zolnikov.

Total 4

Voted Absentee: Schwaderer, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 239 - Senate Amendments - Representative C. Smith moved Senate amendments to **HB 239** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, O'Hara, O'Neil, Osmundson, Peppers, Price, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Squires, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 62

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hagan, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, Pease-Lopez, Pierson, Pomnichowski, Schreiner, B. Smith, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

Total 38

Voted Absentee: Schwaderer, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 258 - Senate Amendments - Representative B. Smith moved Senate amendments to **HB 258** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill,

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Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 94

Nays: Ballance, Miller, Redfield, Regier, White, Zolnikov.

Total 6

Voted Absentee: Schwaderer, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 286 - Minority Leader Hunter moved consideration of **HB 286** be placed at the bottom of the second reading board. Motion carried.

HB 431 - Senate Amendments - Representative Knudsen moved Senate amendments to **HB 431** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Boss Ribs, Brockie, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lynch, MacDonald, McCarthy, McClafferty, McNally, McNiven, Miller, Moore, O'Hara, O'Neil, Osmundson, Peppers, Price, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 71

Nays: B. Bennett, Boland, Coffin, Court, Curtis, Dudik, Eck, Fitzpatrick, Gursky, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, McChesney, Mehlhoff, Neill, Noonan, Pease-Lopez, Pierson, Pomnichowski, Schreiner, Squires, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

Total 29

Voted Absentee: Schwaderer, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 433 - Senate Amendments - Representative O'Hara moved Senate amendments to **HB 433** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 97

Nays: Lavin, Miller.

Total 2

Voted Absentee: Schwaderer, Aye.

Excused: None.

Total 0

Absent or not voting: Lenz.

Total 1

HB 442 - Senate Amendments - Representative Randall moved Senate amendments to **HB 442** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Ehli, Fiscus, Galt, Gibson, Greef, Gursky, Hagan, Hagstrom, Harris, Hertz, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Neill, Noonan, O'Hara, O'Neil, Osmundson, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, Whitford, Williams, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 81

Nays: B. Bennett, J. Bennett, Berry, Edmunds, Fitzpatrick, Flynn, Glimm, Halvorson, Hansen, Hill, Jones, Miller, Moore, Pease-Lopez, Regier, Reichner, Salomon, White, Wilmer.

Total 19

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Voted Absentee: Schwaderer, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 464 - Senate Amendments - Representative Clark moved Senate amendments to **HB 464** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Galt, Gibson, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 88

Nays: J. Bennett, Brodehl, Doane, Flynn, Glimm, Jones, Kerns, Miller, Randall, Redfield, White, Zolnikov.

Total 12

Voted Absentee: Schwaderer, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 560 - Senate Amendments - Representative Pierson moved Senate amendments to **HB 560** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith,

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C. Smith, Squires, Steenberg, Swanson, Vance, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 98

Nays: Brodehl, Wagoner.
Total 2

Voted Absentee: Schwaderer, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 28 - Representative Reichner moved **SB 28** be concurred in. Motion carried as follows:

Yeas: Ballance, Bangerter, B. Bennett, Blyton, Boland, Brockie, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Ehli, Fitzpatrick, Flynn, Galt, Gibson, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Redfield, Reichner, Salomon, Schreiner, Schwaderer, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 80

Nays: Ankney, J. Bennett, Berry, Boss Ribs, Brodehl, Doane, Edmunds, Fiscus, Glimm, Greef, Kary, Kerns, McNally, O'Hara, O'Neil, Randall, Regier, Shaw, Welborn, White.
Total 20

Voted Absentee: Schwaderer, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 178 - Representative Welborn moved **SB 178** be concurred in. Motion carried as follows:

Yeas: Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Gibson, Glimm, Greef, Gursky, Hagan, Halvorson, Hertz, Hill,

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Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Pierson, Pomnichowski, Price, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods.
Total 86

Nays: Ankney, Galt, Hagstrom, Hansen, Harris, Kerns, Lavin, O'Neil, Peppers, Randall, Shaw, Warburton, Zolnikov, Mr. Speaker.
Total 14

Voted Absentee: Schwaderer, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 342 - Representative Brockie moved **SB 342** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Ehli, Gibson, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jacobson, Jones, Knudsen, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 74

Nays: J. Bennett, Blyton, Brodehl, Clark, Edmunds, Fiscus, Fitzpatrick, Flynn, Galt, Glimm, Harris, Howard, Ingraham, Kary, Kerns, Lang, Laszloffy, Miller, O'Neil, Osmundson, Randall, Redfield, Regier, C. Smith, Warburton, Zolnikov.
Total 26

Voted Absentee: Schwaderer, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SJR 21 - Representative Hagan moved **SJR 21** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted Absentee: Schwaderer, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 286 - Senate Amendments - Representative Brockie moved Senate amendments to **HB 286** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 94

Nays: Brodehl, Doane, Kerns, O'Neil, Redfield, Zolnikov.
Total 6

Voted Absentee: Schwaderer, Aye.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Vance moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair McClafferty moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Regier, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 96

Nays: Redfield, Reichner.

Total 2

Voted Absentee: None.

Excused: Schwaderer.

Total 1

Absent or not voting: Edmunds.

Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 259 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz,

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Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 98

Nays: None.
Total 0

Voted Absentee: None.

Excused: Schwaderer.
Total 1

Absent or not voting: Welborn.
Total 1

HB 277 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Eck, Fiscus, Greef, Gursky, Hill, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Price, Randall, Reichner, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Welborn, Whitford, Williams, Wilmer, Wilson, Mr. Speaker.
Total 54

Nays: Ballance, Bangerter, J. Bennett, Blyton, Brodehl, Cuffe, Doane, Dudik, Edmunds, Ehli, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hoven, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, O'Hara, O'Neil, Osmundson, Pomnichowski, Redfield, Regier, C. Smith, Vance, Wagoner, Warburton, Washburn, White, Woods, Zolnikov.
Total 45

Voted Absentee: None.

Excused: Schwaderer.
Total 1

Absent or not voting: None.
Total 0

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HJR 20 adopted as follows:

Yeas: Ankney, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Curtis, Doane, Dudik, Eck, Ehli, Fiscus, Fitzpatrick, Gibson, Greef, Gursky, Hagan, Hagstrom, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jacobson, Jones, Kary, Kerns, Laszloffy, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, O'Hara, O'Neil, Pease-Lopez, Pierson, Pomnichowski, Price, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Wagoner, Warburton, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 77

Nays: Ballance, Edmunds, Flynn, Galt, Glimm, Hansen, Howard, Ingraham, Knudsen, Lang, Lavin, McNiven, Miller, Osmundson, Peppers, Randall, Redfield, C. Smith, Vance, White.
Total 20

Voted Absentee: None.

Excused: Schwaderer.
Total 1

Absent or not voting: Cuffe, Halvorson.
Total 2

SB 84 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Gursky, Hagan, Hagstrom, Halvorson, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Reichner, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Warburton, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov.
Total 83

Nays: J. Bennett, Brodehl, Cuffe, Doane, Glimm, Greef, Hansen, Kary, Kerns, McNiven, Regier, C. Smith, Vance, Wagoner, White, Mr. Speaker.
Total 16

Voted Absentee: None.

Excused: Schwaderer.
Total 1

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Absent or not voting: None.

Total 0

SB 158 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 98

Nays: None.

Total 0

Voted Absentee: None.

Excused: Schwaderer.

Total 1

Absent or not voting: Halvorson.

Total 1

SB 191 concurred in as follows:

Yeas: Ankney, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 92

Nays: Ballance, J. Bennett, Brodehl, Ingraham, Kerns, Welborn, Zolnikov.

Total 7

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Voted Absentee: None.

Excused: Schwaderer.

Total 1

Absent or not voting: None.

Total 0

SB 203 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 92

Nays: J. Bennett, Flynn, Kerns, Lang, C. Smith, Zolnikov.

Total 6

Voted Absentee: None.

Excused: Schwaderer.

Total 1

Absent or not voting: Hoven.

Total 1

SB 301 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson,

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Woods, Mr. Speaker.

Total 91

Nays: J. Bennett, Brodehl, Cuffe, Doane, Kerns, Miller, O'Neil, Zolnikov.

Total 8

Voted Absentee: None.

Excused: Schwaderer.

Total 1

Absent or not voting: None.

Total 0

SB 302 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, White, Williams, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 92

Nays: Cook, Hollandsworth, Kerns, Price, Welborn, Wilmer.

Total 6

Voted Absentee: None.

Excused: Schwaderer.

Total 1

Absent or not voting: Whitford.

Total 1

SB 348 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Ehli, Fiscus, Fitzpatrick, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jacobson, Kary, Laszloffy, Lavin, Lenz, Lieser, Lynch,

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MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Regier, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Whitford, Williams, Wilmer, Wilson, Woods.

Total 75

Nays: J. Bennett, Berry, Brodehl, Doane, Edmunds, Flynn, Galt, Ingraham, Jones, Kerns, Knudsen, Lang, Miller, O'Neil, Osmundson, Randall, Redfield, Reichner, C. Smith, Warburton, Welborn, White, Zolnikov, Mr. Speaker.

Total 24

Voted Absentee: None.

Excused: Schwaderer.

Total 1

Absent or not voting: None.

Total 0

SB 357 concurred in as follows:

Yeas: Ankney, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Doane, Dudik, Eck, Ehli, Fiscus, Galt, Gibson, Greef, Gursky, Hagan, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jacobson, Kary, Knudsen, Lang, Laszloffy, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Redfield, Reichner, Salomon, Schreiner, Shaw, B. Smith, Steenberg, Swanson, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 72

Nays: Ballance, J. Bennett, Brodehl, Cuffe, Edmunds, Fitzpatrick, Flynn, Glimm, Hagstrom, Harris, Hoven, Jones, Kerns, Lavin, McNiven, Miller, O'Neil, Osmundson, Randall, Regier, C. Smith, Vance, Wagoner, Warburton, White, Zolnikov.

Total 26

Voted Absentee: None.

Excused: Schwaderer.

Total 1

Absent or not voting: Squires.

Total 1

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MOTIONS

Majority Leader Vance moved to appoint a **Free** Conference Committee on **HB 120** and request the Senate to appoint a like committee. Motion Carried. Speaker Blasdel appointed:

4/12/2013

Representative Ingraham, Vice Chair
Minority Leader Hunter
Majority Leader Vance

Majority Leader Vance moved to appoint a Conference Committee on **HB 431** and request the Senate to appoint a like committee. Motion Carried. Speaker Blasdel appointed:

4/12/2013

Representative Knudsen, Vice Chair
Representative Doane
Representative McNally

Representative Halvorson moved to reconsider action on **HB 277** and that **HB 277** be placed on second reading on Saturday, April 13, 2013.

Motion **failed** as follows:

Yeas: Ballance, Bangerter, B. Bennett, J. Bennett, Blyton, Clark, Cuffe, Doane, Dudik, Edmunds, Ehli, Fitzpatrick, Flynn, Galt, Glimm, Halvorson, Hansen, Harris, Hoven, Howard, Ingraham, Jones, Kerns, Lang, Laszloffy, Lynch, MacDonald, McNally, Noonan, O'Hara, O'Neil, Osmundson, Pomnichowski, Redfield, Regier, Reichner, Schreiner, C. Smith, Vance, Wagoner, Warburton, Washburn, White, Williams, Wilmer, Zolnikov.

Total 46

Nays: Ankney, Berry, Boland, Boss Ribs, Brockie, Brodehl, Coffin, Connell, Cook, Court, Curtis, Eck, Fiscus, Gibson, Greef, Gursky, Hagan, Hagstrom, Hertz, Hill, Hollandsworth, Hollenbaugh, Hunter, Jacobson, Kary, Knudsen, Lavin, Lenz, Lieser, McCarthy, McChesney, McClafferty, McNiven, Mehlhoff, Miller, Moore, Neill, Pease-Lopez, Peppers, Pierson, Price, Randall, Shaw, B. Smith, Squires, Steenberg, Swanson, Welborn, Whitford, Wilson, Woods, Mr. Speaker.

Total 52

Voted Absentee: None.

Excused: Schwaderer.

Total 1

Absent or not voting: Salomon.

Total 1

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UNFINISHED BUSINESS

On a **Point of Order** Representative Fitzpatrick questioned whether **HB 277** had passed on third reading since it required a two-thirds of the Legislature vote. He was correct **HB 277** had failed to meet the two-thirds of the Legislature requirement and the vote tabulation was corrected by the House Vote Clerk.

SPECIAL ORDERS OF THE DAY

Representative Brockie thanked the pages for their service.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vance moved that the House adjourn until 8:00 a.m., Saturday, April 13, 2013. Motion carried.

House adjourned at 2:20 p.m.

LINDSEY GROVOM
Chief Clerk of the House

MARK BLASDEL
Speaker of the House